IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

Bail Appl..No. 6788 of 2006()

CMP.4254/2006 of J.M.F.C.-I,THAMARASSERY
CRIME NO.34/06 OF THAMARASSERY EXCISE RANGE.

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: PETITIONER/ACCUSED

BALARAMAN, AGED 44 YEARS,
S/O. CHEKKUTTY, MANIKKUNNUMAL (H),
KEDAVOOR AMSOM, POONOOR DESOM,
KOZHIKODE DISTRICT.

BY ADV. SRI.TOMY JOHN VETTATH

RESPONDENTS: PETITIONERS

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1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. EXCISE INSPECTOR,
THAMARASSERY EXCISE.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION No.6788 OF 2006

DATED THIS THE 20TH DAY OF NOVEMBER, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the accused in Crime No. 34/06 of Thamarassery Excise Range for offences punishable under Sections 8(1) and 8(2) of the Abkari Act, for having been found in possession of 5 liters of illicit arrack on 4.11.2006, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-

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